## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING (RULE 53(b)(1))



01/18/02

JC698 U.S. PTO

### FOR DESIGN OR UTILITY APPLICATIONS (DO NOT USE FOR CIPS)

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т ре	naing	prior appl	lication of		Group Art I	Jnit: <u>3737</u>	
ven	itor(s)	: Sulliva	an et al.		Examiner:	Casler, B.	71.C
arer	nt App	oln. No.:	08 Series Code û	934,176	Atty. Dkt.	P 290530	
arer	nt File	d: Septe	ember 19, 1997	Serial No. บิ		New M#	Client Ref
nis /	Appln.	Filed:	January 18, 2002	2			
tle:	ME OF	THOD AI	ND APPARATUS NT (as Amended)	USEFUL IN THE DI	AGNOSIS OF C	BSTRUCTIVE SI	LEEP APNEA
			of Patents			January 18, 2002	
m J	ingtor	n, DC 202	31		(Parent Mat	ter No. 270907	)
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, III,	Atta	iched is a	copy (which mus	st be filed) of the pr	rior application, i	ncluding:	
_}		Abstract					
		Abstract Specifica		38 pages) (must be	attached)		
		Specifica	ation and claims (3	88 pages) (must be ned if originally file	attached) d): 11 sheet(s)/s	set: 🔲 1 set inforr	mal;
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5.		Assignee (o	ptional)	_								
6.	$\boxtimes$	Attached is	the follow	ing number	of Assi	anments (i	ncludin	a oriair	nal and all la	oter cu	cooccivo	once by
- 17 1		different ass	signors):	1 and	respec	ctive <b>new</b> C	Cover S	Sheets.	(Do <b>NOT</b> fi	le old	coessive cover she	ets.)
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7. []]	$\boxtimes$	The power	of attorne	y in the prior	r applic	cation is to	Glenn	J. Pern	y, Reg. no.	28458		
<b>.</b>	(Namo	and Reg. No										
	whose	current addr	ess is as	in item 8 bel	ow							
ja k		whose current address is as in item 8 below.										
	a. Recognize as associate attorney Paul T. Bowen, Reg. No. 38009 whose current address is as in item											
## # ## #		Recognize	as associ	ate attorney	Paul T	. Bowen, R	Reg. No	o. 3800	9 whose cu	rrent a	iddress is	as in item
	8 below	7			Paul T	. Bowen, F	Reg. No	o. 3800	9 whose cu	rrent a	address is	as in item
A Marie Mari	8 below (Name,	Reg. No. ar	nd Addres	ss)					9 whose cu	rrent a	address is	as in item
	8 below (Name,	Reg. No. ar	nd Addres	ss)	Intelle	ctual Prop	ertv G	roup		rrent a	address is	as in item
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11. (one box (must be (X'd)	one box) is being concurrently filed in that prior application (Use Form PAT-111).  must be) was previously filed in that prior application (Check length of prior extension).							
12.	INFORMATION DISCLOSURE STATEMENT: Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.							
13.		Attached is a Rul	e 103(a) Petitio	n to Suspend A	action.			
14.	$\boxtimes$	Please see the a reducing the initial		nary Amendme	nt which reduce	es the number of o	claims for purpo	ses of
		2-24						
One and the sum of the	FILING FEE  THE FOLLOWING FILING FEE IS BASED ON  ->->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<							
Harman more in the little		box 1A2 is X'd, do it leave lines 15-22		nk.				
						Large/Small Entity		Fee Code
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26.

# ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT PER BOXES 24/25

		Claims remainin after amendm		Highest number previous paid for	ily		Preser Extra	nt				dditional ee	
								L	arge/Small	Entity			File Code
27.	Total Effective	Claims _	*47	minus **	20	_ =	_27	x	\$18/\$9	=	\$.	486	(103/203)
28.	Independent C	claims _	*9	minus ***	3	_ =	6	x	\$84/\$42	=	+	504	(102/202)
29. 30 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	If amendment e first time, add (							Α		\$140		990 780	(104/204)
32[== []]							TOTAL	FE	E ATTACH	ED	\$	1770	
33 <sup>1</sup> 34 3 35 3 35 3 5 3 5 5 5 5 5 5 5 5 5 5	*If the entry in this spa **If the "Highest number If the "Highest number	er previously pa	aid for" (see ite	em 17 above) is l	ess than 26	0, write "	20" in this spa	ace		00	)9	<b>1111</b> 09	
one one one Prif II II then Prif II III mill	Our Deposit A Our Order No.		o. 03-397 4066 C#	· · · · · · · · · · · · · · · · · · ·	29053	0 <b>M</b> #		_					

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP Intellectual Property Group

By Atty:	Paul, T. Boyven	Reg. No.	38009
Sig:	fulfi	Fax:	(703) 905-2500 (703) 905-2020

Atty./Sec PTB/dlh

**NOTE No. 1:** File this Request in <u>duplicate</u> with 2 postcard receipts (PAT-103) & attachments **NOTE No. 2:** Is extension in parent necessary for copendency? <u>DOUBLE CHECK Item 11 above.</u> If yes, printout Pat-111 and head it in parent.

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: Unknown

Sullivan et al.

Group Art Unit: 3737

Appln. No.: Div. of Appln. No. 09/934,176

Examiner: Casler, B.

Filed: January 18, 2002

Title: METHOD AND APPARATUS USEFUL IN THE DIAGNOSIS OF OBSTRUCTIVE

SLEEP APNEA OF A PATIENT (as amended)

January 18, 2002

### TRANSMITTAL OF FORMAL DRAWINGS

Hon. Commissioner of Patents Washington, D.C. 20231

Sir:

Attached are (10) ten sheets of formal drawings to be made of record in the above-identified application.

Respectfully submitted,

Pillsbury Winthrop LLP

Bv:

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Enclosure: (10) sheets of formal drawings